

S.1086

To improve the national program to register and monitor individuals who commit crimes against children or sex offenses. (Engrossed as Agreed to or Passed by Senate)

S 1086 ES

109th CONGRESS

2d Session

S. 1086

AN ACT

To improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

- (a) Short Title- This Act may be cited as--
 - (1) the `Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Grant Act';
 - (2) the `Sex Offender Registration and Notification Act'; or
 - (3) the `Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005'.
- (b) Table of Contents- The table of contents for this Act is as follows:
 - Sec. 1. Short title; table of contents.
 - Sec. 2. Effective date.

TITLE I--JACOB WETTERLING, MEGAN NICOLE KANKA, AND PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION GRANT PROGRAM

- Sec. 101. Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Grant Program.
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Sec. 302. Assured punishment for violent crimes against children.
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Sec. 509. Severability.
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Sec. 511. Repeal.
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TITLE VI--COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES

Sec. 601. Comprehensive examination of sex offender issues.

SEC. 2. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date that is 6 months after the date of the enactment of this Act.

TITLE I--JACOB WETTERLING, MEGAN NICOLE KANKA, AND PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION GRANT PROGRAM

SEC. 101. JACOB WETTERLING, MEGAN NICOLE KANKA, AND PAM LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION GRANT PROGRAM.

The Attorney General shall establish guidelines for States' sex offender registration programs pursuant to this title. Collectively, the guidelines and the programs shall be known as the 'Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Program'.

SEC. 102. DEFINITIONS.

In this title:

- (1) COVERED INDIVIDUAL- The term 'covered individual' means any adult or juvenile in a participating domicile State, participating work State, or participating school State convicted as an adult--
 - (A) who has been convicted of a covered offense against a minor;
 - (B) who has been convicted of a sexually violent offense;
 - (C) who has been convicted of an offense described in paragraph (2);
 - (D) who has been convicted of an offense under State law that is similar to the offenses described in described in paragraph (2);
 - (E) who is described in section 4042(c)(4) of title 18, United States Code, except for those convicted of a violation of section 2257 or 2258 of title 18, United States Code; or
 - (F) who has been sentenced by a court martial for conduct in a category specified by the Secretary of Defense under section 115(a)(8)(C) of title I of Public Law 105-119 (10 U.S.C. 951 note).
- (2) COVERED OFFENSE AGAINST A MINOR-
 - (A) IN GENERAL- Except as provided in subparagraph (C), the term 'covered offense against a minor' means an offense (whether

under the law of a State, Federal law, or military law) that is comparable to or more severe than any of the following offenses:

- (i) Kidnapping of a minor, except by a parent or guardian of the minor, if sexual conduct toward the minor is proved beyond a reasonable doubt.
- (ii) False imprisonment of a minor, except by a parent or guardian of the minor, if sexual conduct toward the minor is proved beyond a reasonable doubt.
- (iii) Criminal sexual conduct toward a minor.
- (iv) Solicitation of a minor to engage in sexual conduct.
- (v) Use of a minor in a sexual performance.
- (vi) Solicitation of a minor to practice prostitution.
- (vii) Possession, production, or distribution of child pornography, as described in section 2251, 2252, or 2252A of title 18, United States Code.
- (viii) Use of the Internet to facilitate or commit a covered offense against a minor or to attempt to commit such an offense against an agent of the government who has been represented to be a minor.
- (ix) Video voyeurism as described in section 1801 of title 18, United States Code, when committed against a minor.
- (x) An attempt or conspiracy to commit any of the offenses listed in this definition.

(B) CONVICTIONS UNDER THE LAWS OF A FOREIGN COUNTRY- The term 'covered offense against a minor' includes convictions for offenses specified in subparagraph (A) that have been obtained under the laws of any foreign nation that has been certified by the Attorney General, after notice and an opportunity for a hearing, as having a sufficiently reliable criminal justice system.

(C) EXCEPTION FOR CERTAIN OFFENSES- The term 'covered offense against a minor' does not include an offense if the conduct on which the offense is based is criminal only because of the age of the victim, and if individual had committed the offense either had not attained the age of 18 years or was less than 4 years older than the victim when the offense was committed.

(3) DOMICILE- The term 'domicile' means, with respect to an individual, any place that serves as the primary place at which the individual lives.

(4) DOMICILE STATE- The term 'domicile State' means, with respect to an individual, the State within the jurisdiction of which is the individual's domicile.

(5) EDUCATIONAL INSTITUTION- The term 'educational institution' includes (whether public or private) any secondary school, trade or professional institution, and institution of higher education.

(6) EMPLOYMENT- The term 'employment' includes carrying on a vocation and covers any labor or service rendered (whether as a volunteer

or for compensation or for government or educational benefit) on a full-time or part-time basis.

(7) MINOR- The term `minor' means any person who has not attained the age of 18 years or the age of consent in the relevant jurisdiction, whichever age is lower.

(8) NATIONAL SEX OFFENDER REGISTRY- The term `National Sex Offender Registry' means the database maintained by the Attorney General pursuant to section 105.

(9) NATIONAL SEX OFFENDER PUBLIC REGISTRY- The term `National Sex Offender Public Registry' means the Internet site maintained by the Attorney General pursuant to section 202.

(10) PARTICIPATING STATE- The term `participating State' means a State participating in the grant program authorized under this title.

(11) SCHOOL STATE- The term `school State' means, with respect to an individual, the State within the jurisdiction of which the educational institution at which the individual is a student is located.

(12) SEXUALLY VIOLENT OFFENSE- The term `sexually violent offense' means an offense (whether under the law of a State, Federal law, military law, or the law of a foreign country) that is comparable to or more severe than any of the following offenses:

(A) Aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242 of title 18, United States Code).

(B) An attempt or conspiracy to commit such an offense.

(13) STATE- The term `State' means any of the following:

(A) A State.

(B) The District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or the Northern Mariana Islands.

(C) A federally recognized Indian tribe that has elected in accordance with section 108 to carry out this Act as a jurisdiction subject to its provisions.

(14) STUDENT- The term `student' means an individual who, whether on a full-time or part-time basis, enrolls in or attends an educational institution.

(15) TIER I INDIVIDUAL- The term `Tier I individual' means an individual required to register under this title who is subject to the least intensive registration requirements, as determined in accordance with criteria promulgated under section 106(b)(1)(E).

(16) TIER II INDIVIDUAL- The term `Tier II individual' means an individual required to register under this title who is subject to more intensive registration requirements than Tier I individuals, as determined in accordance with criteria promulgated under section 106(b)(1)(E).

(17) TIER III INDIVIDUAL- The term `Tier III individual' means an individual required to register under this title who is subject to the most intensive registration requirements, as determined in accordance with criteria promulgated under section 106(b)(1)(E).

(18) WORK STATE- The term 'work State' means, with respect to an individual, the State within the jurisdiction of which the individual's current place of employment is located or, if the individual is unemployed, the individual's most recent place of employment.

SEC. 103. ASSISTANCE GRANTS TO PARTICIPATING STATES.

(a) Sex Offender Management Assistance Program-

(1) IN GENERAL- From amounts made available to carry out this subsection, the Attorney General shall carry out a program, to be known as the Sex Offender Management Assistance program (in this section referred to as the 'SOMA program'), under which the Attorney General may award grants to participating States to offset costs directly associated with implementing this title.

(2) DISTRIBUTION OF FUNDS- Each grant awarded under the SOMA program shall be distributed directly to the participating State for distribution by that participating State to public entities, including local governments and law enforcement agencies, within that participating State.

(3) USES- Up to 10 percent of a grant awarded under the SOMA program may be used to participate in 1 or more databases that identify individuals in custody.

(4) ELIGIBILITY-

(A) IN GENERAL- To be eligible to receive a grant under the SOMA program in a fiscal year and except as provided in subparagraph (B), the chief executive of a participating State shall submit to the Attorney General an application (in such form, at such a time, and containing such information as the Attorney General may reasonably require) assuring that--

(i) the participating State has substantially implemented (or is making a good faith effort to substantially implement) this title; and

(ii) the participating State has made the failure of a covered individual to register as required a felony.

(B) EXCEPTION- The Attorney General may waive the requirement of subparagraph (A) if a participating State demonstrates an overriding need for assistance under the SOMA program.

(5) ALLOCATION OF FUNDS- In allocating funds under the SOMA program, the Attorney General may consider the number of covered individuals registered in each participating State's registry.

(6) INCORPORATION OF CERTAIN TRAINING PROGRAMS-

(A) STUDY- During the course of implementing the SOMA program, the Attorney General shall study the feasibility of incorporating into the SOMA program the activities of any technical assistance or training program established as a result of

section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941).

(B) INCORPORATING- In a case in which incorporating such activities into the SOMA program will eliminate duplication of efforts or administrative costs, the Attorney General shall take administrative actions, as allowable, and make recommendations to Congress to incorporate such activities into the SOMA program.

(b) Incentives; Bonus Payments for Early Compliance-

(1) BONUS- A participating State that has substantially implemented this title within 2 years after the date of the enactment of this Act is eligible for a bonus payment under the SOMA program for the fiscal year after the Attorney General certifies that the participating State has achieved substantial implementation.

(2) AMOUNT- The amount of the bonus payment under paragraph (1) shall be--

(A) equal to 5 percent of the funds that the participating State received under the SOMA program for the preceding fiscal year; or

(B) if the participating State has substantially implemented this title within 1 year after the date of enactment of this Act, the amount of the bonus payment shall be equal to 10 percent of the funds that the participating State received under the SOMA program for the preceding fiscal year.

(3) ONE PAYMENT- A participating State may receive a bonus payment under this subsection only once during the course of the SOMA program.

(c) Reports to Congress- Each year, the Attorney General shall submit to Congress a report identifying the extent to which each participating State has implemented this title.

SEC. 104. DUTY OF COVERED INDIVIDUALS TO PROVIDE INFORMATION.

(a) Information Required Periodically- A covered individual shall, for the life of that individual (except as provided in this section), provide information as follows:

(1) REGISTRATION INFORMATION- Initially during the time period specified in accordance with paragraph (4), and thereafter as provided in paragraph (5), the individual shall--

(A) appear before persons designated by the individual's participating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State); and

(B) provide to such persons--

(i) the individual's name and aliases;

(ii) the individual's Social Security number;

(iii) the address where the individual maintains or will maintain his domicile;

- (iv) a photocopy of a valid driver's license or identification card issued to the individual from the Department of Motor Vehicles in the individual's domicile State;
- (v) the license plate number of, and other identifying information with respect to, each vehicle owned or operated by the individual;
- (vi) the name and address of the place where the individual is employed or will be employed; and
- (vii) the name and address of any educational institution at which the individual is a student or will be a student.

(2) **PHOTOGRAPH-** Initially during the time period specified in accordance with paragraph (4), and thereafter at least once every 12 months, the individual shall appear before persons designated by the individual's participating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State) and submit to the taking of a photograph.

(3) **FINGERPRINTS-** During the time period specified in accordance with paragraph (4), the individual shall appear before persons designated by the individual's participating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State) and submit to the taking of fingerprints. This paragraph does not apply if the State determines that it already has a valid set of fingerprints in its possession.

(4) **TIMING OF INITIAL REGISTRATION-** The Attorney General shall prescribe the time period within which a covered individual must fulfill the initial registration requirements set forth in paragraphs (1), (2), and (3).

(5) **ONGOING REGISTRATION-**

(A) **IN GENERAL-** The ongoing registration requirement under paragraph (1) is--

- (i) for Tier I individuals every 12 months;
- (ii) for Tier II individuals every 6 months; and
- (iii) for Tier III individuals every 3 months.

(B) **EXEMPTION-** A covered individual is exempt from the ongoing registration requirement of this subsection if the covered individual is incarcerated at the time specified in subparagraph (A).

(6) **COVERED INDIVIDUAL IN CUSTODY OF A STATE OTHER THAN DOMICILE STATE-** A covered individual who, during the time period specified in accordance with paragraph (4), is in the custody of a participating State that is not the individual's participating domicile State, shall fulfill the initial registration requirements set forth in paragraphs (1), (2), and (3) by providing the specified information to an appropriate official of the jurisdiction that is holding the individual in custody. The official shall promptly make available that information to the individual's domicile State.

(7) **INDIVIDUAL IN FEDERAL OR MILITARY CUSTODY**- Whenever an individual is a covered individual on the basis of subparagraph (C), (E) or (F) of section 102(1), the procedure upon release or sentencing of the individual shall be as provided in section 4042(c) of title 18, United States Code, or section 115(a)(8)(C) of title I of Public Law 105-119. The individual shall promptly register and continue to register as provided in this section in each participating domicile, work, and school State of the individual. To the extent that any procedure or requirement of this section cannot be applied to the individual, the Attorney General may specify alternative procedures and requirements for the registration of such individuals in participating domicile, work, and school States.

(8) **RETROACTIVE APPLICATION**- The Attorney General shall have the authority to--

(A) specify the applicability of the requirements of this title to individuals who are covered individuals based on a conviction or sentencing that occurred prior to the date of enactment or who are, as of the date of enactment of this Act, incarcerated or under a non-incarcerative sentence for some other offense;

(B) specify the applicability of the requirements of this title to all other individuals who are covered individuals based on a conviction or sentencing that occurred prior to the enactment date of enactment of this Act or the implementation of the requirements of this title by a participating State; and

(C) specify procedures and methods for the registration of individuals to whom the requirements of this title apply pursuant to subparagraph (A) or (B).

(b) **Requirement To Register and Keep Registration Information Current**-

(1) **REGISTRATION REQUIREMENT**- A covered individual shall, for the life of that individual (except as provided in this section), promptly register in each participating domicile, work, and school State of the individual and keep the registration information current. To the extent that the procedures or requirements for registering or updating registration information in any participating domicile, work, or school State are not fully specified in this section, the Attorney General may specify such procedures and requirements.

(2) **CHANGES TO REGISTRATION INFORMATION OF CERTAIN OFFENDERS**- The following shall apply to changes of registration information under this section for Tier II and Tier III individuals:

(A) **CHANGE OF NAME**- Not more than 5 days after changing his or her name, the individual shall appear before persons designated by the individual's participating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State) and provide the new name.

(B) **CHANGE OF ADDRESS**- Not more than 5 days before or after establishing a new domicile, the individual shall--

(i) appear before persons designated by the individual's participating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State) and provide the address of the new domicile and the address of the previous domicile; and
(ii) if the new domicile and the previous domicile are not both within the jurisdiction of a single participating State under this Act--

(I) appear before a person designated by the individual's previous participating domicile State (and appear before persons designated by the individual's participating work State (if different from the previous participating domicile State) and participating school State (if different from the previous participating domicile State)) and fulfill the requirements of clause (i); and

(II) appear before a person designated by the individual's new participating domicile State to--

(aa) provide the designated person the address of the new domicile and the address of the previous domicile; and

(bb) submit to the taking of a photograph and, unless the participating State determines that it already possesses a valid set, fingerprints.

(C) CHANGE OF EMPLOYMENT- Not more than 5 days before or after beginning, or ceasing, employment by an employer, the individual shall appear before, and provide notice of the beginning or ceasing, and the name and address of the employer, to--

(i) a person designated by the individual's participating domicile State; and

(ii) if the individual's participating work State is different from the domicile State, a person designated by the individual's participating work State.

(D) CHANGE OF STUDENT STATUS- Not more than 5 days before, after beginning, or ceasing to be a student at an educational institution, the individual shall appear before, and provide notice of the beginning or ceasing, and the name and address of the educational institution, to--

(i) a person designated by the individual's participating domicile State; and

(ii) if the individual's participating school State is different from the domicile State, a person designated by the individual's participating school State.

(c) Punishment-

(1) IN GENERAL- Whoever--

(A) knowingly fails to register in any jurisdiction in which such person is required to register under this title; and

(B)(i) has been convicted of a Federal offense, an offense under the Uniform Code of Military Justice, or a tribal offense, for which registration is required by such Act or law; or

(ii) travels in interstate or foreign commerce.

shall be fined under this title and imprisoned according to the penalties in paragraphs (2) and (3).

(2) FIRST CONVICTION- On the first conviction under paragraph (1)--

(A) a Tier I individual shall be fined under title 18, United States Code, or imprisoned not more than 3 years, or both;

(B) a Tier II individual shall be fined under title 18, United States code, or imprisoned not more than 5 years, or both; and

(C) a Tier III individual shall be fined under title 18, United States Code, or imprisoned not more than 10 years, or both.

(3) SUBSEQUENT CONVICTIONS- On any conviction after the first under paragraph (1)--

(A) a Tier I individual shall be fined under title 18, United States Code, or imprisoned not more than 10 years, or both;

(B) a Tier II individual shall be fined under title 18, United States code, or imprisoned not more than 20 years, or both; and

(C) a Tier III individual shall be fined under title 18, United States Code, or imprisoned for any term of years or for life, or both.

(4) AFFIRMATIVE DEFENSE- In a prosecution for a violation under this section, it is an affirmative defense--

(A) that uncontrollable circumstances prevented the individual from complying;

(B) the individual did not contribute to the creation of such circumstances in reckless disregard of the requirement to comply; and

(C) the individual complied as soon as such circumstances ceased to exist.

(5) CONTINUING VIOLATIONS- A violation under this section is a continuing violation for purposes of the statute of limitations.

(6) EXCEPTIONS- An individual may petition for relief from the requirements of subsections (a) and (b) based on a claim that--

(A) the conviction that subjected the individual to those requirements has been overturned;

(B) the individual's inclusion on the applicable registry is the result of an administrative or clerical error; or

(C) the individual has been pardoned by the chief executive of the jurisdiction in which the individual was convicted of the crime that subjected the individual to the requirements of subsections (a) and (b).

(d) Exceptions for Certain Individuals- Subsections (a) and (b) apply to any covered individual, except as provided as follows:

(1) TIER I INDIVIDUALS- The individual is a Tier I individual and both of the following apply:

(A) The individual has only 1 conviction for an offense that qualifies the individual as a covered individual.

(B) A period of at least 10 years, excluding ensuing periods of incarceration, has expired since the date on which the individual was sentenced for, or completed the term of imprisonment for, the conviction described in subparagraph (A).

(2) TIER II INDIVIDUALS- The individual is a Tier II individual and both of the following apply:

(A) The individual has only 1 conviction for an offense that qualifies the individual as a covered individual.

(B) A period of at least 20 years, excluding ensuing periods of incarceration, has expired since the date on which the individual was sentenced for, or completed the term of imprisonment for, the conviction described in subparagraph (A).

SEC. 105. DUTIES OF ATTORNEY GENERAL AND PARTICIPATING STATES.

(a) Duty To Obtain Acknowledgment of Obligations-

(1) IN GENERAL- During the time period specified in paragraph (2), an appropriate official shall--

(A) inform each covered individual of the duty to register and of that individual's ongoing obligations under this title;

(B) require the individual to read and sign a form affirming that--

(i) the duty to register has been explained to the individual;

(ii) the individual's ongoing obligations under this title have been explained to the individual; and

(iii) the individual understands the registration requirements; and

(C) ensure that the individual has completed the initial registration process.

(2) APPROPRIATE TIME PERIOD- The Attorney General shall prescribe an appropriate time period during which the requirements set forth in paragraph (1) shall be fulfilled.

(3) FULFILLMENT- The requirements of paragraph (1) shall be fulfilled-

-

(A) before a covered individual has been released from custody; or

(B) if the covered individual is not in custody, shortly after the individual has been sentenced.

(b) Obtaining and Sharing Information-

(1) OBTAINING INFORMATION- When an individual appears before the Attorney General or a participating State to provide information

pursuant to this title (including information such as photographs and fingerprints), the Attorney General (or the participating State, or both, as the case may be) shall--

- (A) ensure that the individual complies with the applicable requirements of this title;
- (B) ensure that the information provided is accurate and complete; and
- (C) ensure that the information provided is promptly entered into the appropriate records or data system of the participating State.

(2) SHARING INFORMATION-

(A) DOMICILE STATE- The domicile State of an individual, and the State which originally registers the individual if different from the domicile State, shall promptly notify each domicile, work, and school State of the individual of which it is aware concerning the individual's domicile, employment, or student status in such State and shall make available to each such State the information concerning the individual.

(B) CHANGE IN DOMICILE- If a domicile State of an individual is informed by the individual, or otherwise becomes aware, that there will be or has been a change in the individual's domicile State, the domicile State shall promptly notify the new domicile State and make available to the new domicile State the information concerning the individual.

(C) AVAILABLE INFORMATION- A domicile State shall promptly make available the information concerning an individual to a law enforcement agency or agencies in the State having jurisdiction where--

- (i) the individual's domicile is located;
- (ii) the individual's place of employment is located; and
- (iii) any educational institution at which the individual is a student is located.

(c) Entry of Information Into the National Sex Offender Registry-

(1) MAINTENANCE OF A NATIONAL SEX OFFENDER REGISTRY- The Attorney General shall maintain a national database at the Federal Bureau of Investigation, to be known as the National Sex Offender Registry, which shall include information concerning covered individuals who are required to register in the sex offender registry of any jurisdiction. Information may be released from the National Sex Offender Registry to criminal justice agencies, and to other entities as the Attorney General may provide.

(2) PARTICIPATION IN THE NATIONAL SEX OFFENDER REGISTRIES- Each participating State shall, in the time and manner provided by the Attorney General--

- (A) submit to the Attorney General the information concerning each covered individual under this title, which shall be included in

the National Sex Offender Registry or other databases as appropriate;

(B) submit the information described in subparagraph (A) in a manner that allows the Attorney General to include it in the National Sex Offender Registries; and

(C) participate in the National Sex Offender Public Registry maintained pursuant to section 202.

(d) When a Covered Individual Is Missing-

(1) STATE- Whenever a participating State is unable to verify the address of or locate a covered individual, the participating State shall promptly notify the Attorney General.

(2) ATTORNEY GENERAL- Whenever information is made known to the Attorney General under paragraph (1) that a State is unable to verify the address of or locate a covered individual, the Attorney General shall--

(A) revise the National Sex Offender Registry to reflect that information; and

(B) add the name of the individual to the wanted person file of the National Crime Information Center and create a wanted persons record if an arrest warrant that meets the requirements for entry into the file is issued in connection with the violation.

(3) INVESTIGATION- The Attorney General shall use the authority provided in section 566(e)(1)(B) of title 28, United States Code, the authority to investigate offenses under chapter 49 of title 18, United States Code, and the authority provided in any other relevant provision of law, as appropriate, to assist States and other jurisdictions in locating and apprehending covered individuals and any other individuals who violate sex offender registration requirements.

(e) Authorization of Appropriations- There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this section.

SEC. 106. PARTICIPATING STATE SEX OFFENDER REGISTRIES.

(a) Statewide Registry Required- Each participating State shall maintain, throughout its jurisdiction, a single comprehensive registry of information collected under this title.

(b) Release of Information in Registry- Each participating State shall have in effect, throughout its jurisdiction, a single public information program that includes the following elements:

(1) INTERNET SITE-

(A) INFORMATION-

(i) IN GENERAL- Except as provided in clause (iii), the participating State shall release to the public, through an Internet site maintained by the State that shall have multiple field search capability, the following information

for Tier II and III individuals whose domicile State, work State, or school State is the same as the participating State:

- (I) The name and any known aliases of the individual.
- (II) The date of birth of the individual.
- (III) A physical description of the individual.
- (IV) The current photograph of the individual.
- (V) The domicile address of the individual.
- (VI) The address of the individual's place of employment.
- (VII) The address of any educational institution at which the individual is a student.
- (VIII) The nature and date of all offenses qualifying the individual as a covered individual.
- (IX) The date on which the individual was released from prison, or placed on parole, supervised release, or probation, for the most recent offense qualifying the individual as a covered individual.
- (X) Tier designation for the individual.
- (XI) Compliance status of the individual.

(ii) TIER I INDIVIDUALS- The participating State may, at its discretion, include information about Tier I individuals on its Internet site.

(iii) VICTIMS- The participating State shall make every effort not to disclose the identity of the victim of an offense. Information about a covered individual whose duty to register is based solely on offenses against intrafamilial minors may, after consultation with the victim, be limited or withheld in its entirety from an Internet site or registry, at the discretion of the participating State.

(iv) LINKS- The site shall include, as much as practicable, links to sex offender safety and education resources.

(B) INTEGRATION OF STATE SITES- The participating State shall consult with other States to ensure, as much as practicable, that the site integrates with and shares information with the sites maintained by those other States.

(C) CORRECTION OF ERRORS- The site shall contain instructions on the process for correcting information that a person alleges to be erroneous.

(D) WARNING- The site shall include a warning that the information presented should not be used to injure, harass, or commit a criminal act against any individual named in the registry or residing or working at any reported address. The warning shall note that any such action could result in criminal prosecution.

(E) TIER DESIGNATION-

(i) IN GENERAL- The participating State shall establish 3 tier designations. The tier designation of an individual shall be determined under criteria promulgated by the participating State in accordance with the participating State's resources and local priorities.

(ii) SEXUALLY VIOLENT OFFENDERS- All individuals convicted of sexually violent offenses shall be designated as Tier III individuals.

(iii) PHYSICAL CONTACT OF A SEXUAL NATURE WITH A MINOR- All individuals convicted of any offense, an element of which is physical contact of a sexual nature with a minor, shall be designated as Tier II or Tier III individuals.

(2) COMMUNITY NOTIFICATION-

(A) TIER II INDIVIDUALS- Appropriate law enforcement agencies in participating States shall release information collected under this title relating to Tier II individuals to public and private schools, including institutions of higher learning, child care providers, and businesses that provide services or products to children, located within a radius, prescribed by the participating State, of the home or work address of the individual.

(B) TIER III INDIVIDUALS- Appropriate law enforcement agencies in participating States shall release information collected under this title relating to Tier III individuals to--

(i) public and private schools, including institutions of higher learning, child care providers, and businesses that provide services or products to children, located within a radius, prescribed by the participating State, of the home or work address of the individual; and

(ii) residents who reside within a radius, prescribed by the participating State, of the home or work address of the individual.

(c) Publication of Number of Offenders Registered-

(1) IN GENERAL- Every 6 months, the Attorney General shall collect from each State information on the total number of covered individuals included in the registry maintained by that State.

(2) PUBLIC AVAILABILITY AND CONTENTS- The Attorney General shall--

(A) release information under paragraph (1) to the public in a manner consistent with this title; and

(B) include in such a release the number of individuals within each tier and the number of individuals who are in compliance with this title within each tier.

(3) DOUBLE-COUNTING- In reporting information collected under paragraph (1), the Attorney General shall ensure, to the extent practicable, that offenders are not being double-counted.

SEC. 107. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT SOFTWARE.

- (a) Development of Software Required- The Attorney General, in consultation with participating States, shall--
- (1) develop a software application that can be used by participating States for purposes of this title; and
 - (2) ensure that such software operates in such a manner that a participating State can, by using the software, fully comply with all the requirements under this title for managing and exchanging information (including exchanging information with other States).
- (b) Availability to States- The Attorney General shall make the software developed under this section available to States. The first complete edition of the software shall be made available within 2 years after the date of the enactment of this Act.
- (c) Support- The Attorney General shall ensure that States are provided technical support for the installation of the software and for maintaining the software.

SEC. 108. ELECTION BY INDIAN TRIBES.

- (a) Election-
- (1) IN GENERAL- A federally recognized Indian tribe may, by resolution or other enactment of the tribal council or comparable governmental body--
 - (A) elect to carry out this title as a jurisdiction subject to its provisions; or
 - (B) elect to delegate its functions under this title to a participating State or participating States within which the territory of the tribe is located and to provide access to its territory and such other cooperation and assistance as may be needed to enable such participating State or participating States to carry out and enforce the requirements of this title.
 - (2) ELECTION- A tribe shall be treated as if it had made the election described in paragraph (1)(B) if--
 - (A) it is a tribe subject to the law enforcement jurisdiction of a participating State under section 1162 of title 18, United States Code;
 - (B) the tribe does not make an election under paragraph (1) within 1 year of the enactment of this Act or rescinds an election under paragraph (1)(A); or
 - (C) the Attorney General determines that the tribe has not implemented the requirements of this title and is not likely to become capable of doing so within a reasonable amount of time.
- (b) Cooperation Between Participating State and Tribal Authorities-
- (1) NONDUPLICATION- A tribe subject to this title is not required for purposes of this title to duplicate functions under this title which are fully

carried out by a participating State or participating States within which the territory of the tribe is located.

(2) COOPERATIVE AGREEMENTS- A tribe may, through cooperative agreements with such a participating State or participating States--

(A) arrange for the tribe to carry out any function of the participating State under this title with respect to sex offenders subject to the tribe's jurisdiction; and

(B) arrange for the participating State to carry out any function of the tribe under this title with respect to sex offenders subject to the tribe's jurisdiction.

SEC. 109. PROVISION OF NOTICE AND ACCESS TO INDIAN TRIBES.

(a) Conforming Amendment to Title 18, United States Code- Section 4042(c)(1)(A) of title 18, United States Code, is amended by striking 'State' and inserting 'State, Indian Country,'.

(b) Responsibility of Participating States- An appropriate participating State official, pursuant to this title and exercising jurisdiction pursuant to Public Law 93-280, shall ensure that notice is provided to any Indian tribe of the release into the jurisdiction of the Indian tribe of a covered individual.

(c) Access to National Sex Offender Registry- From funds made available under section 107, the Attorney General shall use such amounts as the Attorney General determines to be appropriate to make grants to Indian tribes for the development of electronic databases to provide access to information in the National Sex Offender Registry.

SEC. 110. APPLICABILITY TO MINORS.

Notwithstanding any other provision of this Act, the requirements of this Act are not applicable with respect to any individual who is only subject to such requirements because of a delinquent adjudication that occurred when the individual was a minor, unless that individual was charged and convicted as an adult.

SEC. 111. RULE OF CONSTRUCTION.

The provisions of this title that are cast as directions to participating States or their officials constitute only conditions that must be substantially met, in accordance with section 107, in order to obtain Federal funding under this title.

SEC. 112. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, participating States and political subdivisions thereof, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this Act.

SEC. 113. STATE UNCONSTITUTIONALITY.

- (a) In General- Nothing in this title shall be deemed to require a participating State to take any action that would violate that participating State's constitution.
- (b) Funds- The Attorney General shall not withhold funds to any participating State under section 107 if the participating State declines to implement any provisions of this title on the ground that to do so would place the participating State in violation of its constitution or a ruling by the participating State's highest court.
- (c) Deference- In considering whether compliance with the requirements of this title would likely violate the participating State's constitution or rulings by the participating State's highest court under this section, the Attorney General shall defer to the participating State's interpretation of the participating State's constitution and rulings of the participating State's highest court unless those interpretations are clearly erroneous.

SEC. 114. REGULATIONS.

The Attorney General shall issue guidelines and regulations to interpret and implement this title.

SEC. 115. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for each of fiscal years 2006 through 2009 such sums as may be necessary to carry out this title.

SEC. 116. EFFECT ON CURRENT LAW.

This title does not diminish any existing conditions on participating and non-participating States under current law.

TITLE II--DRU SJODIN NATIONAL SEX OFFENDER PUBLIC DATABASE ACT OF 2005

SEC. 201. SHORT TITLE AND DEFINITIONS.

- (a) Short Title- This title may be cited as the 'Dru Sjodin National Sex Offender Public Database Act of 2005'.
- (b) Definitions- The definitions in section 102 shall apply in this title.

SEC. 202. NATIONAL SEX OFFENDER PUBLIC REGISTRY.

- (a) In General- The Attorney General shall maintain a national Internet site, to be known as the 'National Sex Offender Public Registry,' through which the public can access information in the public sex offender Internet sites of all States by means of single-query searches.

(b) Information Available in Public Registry- With respect to Tier II and Tier III individuals and except as provided in subsection (e), the National Sex Offender Public Registry shall provide the following information:

- (1) The name and any known aliases of the individual.
- (2) The date of birth of the individual.
- (3) A physical description of the individual.
- (4) The current photograph of the individual.
- (5) The domicile address of the individual.
- (6) The address of the individual's place of employment.
- (7) The address of any educational institution at which the individual is a student.
- (8) The nature and date of all offenses qualifying the individual as a covered individual.
- (9) The date on which the individual was released from prison, or placed on parole, supervised release, or probation, for the most recent offense qualifying the individual as a covered individual.
- (10) Tier designation for the individual.
- (11) Compliance status of the individual.

(c) Search Capabilities- The National Sex Offender Public Registry shall have multiple search capabilities, including--

- (1) searches by name; and
- (2) searches by geographic area including searches by zip code area and searches within a radius specified by the user.

(d) Tier I Individuals- The Attorney General shall also provide, in accordance with this section, information related to a Tier I individual only if such information is provided by a State on that State's Internet site.

(e) Family Member Offense- The Attorney General shall provide, in accordance with this section, information related to a covered offense against a minor committed by a family member of the minor only if such information is provided by a State on that State's Internet site.

SEC. 203. RELEASE OF HIGH-RISK INMATES.

(a) In General- From amounts made available to carry out this section, the Attorney General may make grants to participating States for activities specified in subsections (b) and (c).

(b) Civil Commitment Proceedings-

(1) IN GENERAL- Any participating State that provides for a civil commitment proceeding, or any equivalent proceeding, shall issue timely notice to a State official responsible for considering whether to pursue such proceedings upon the impending release of any person incarcerated by the participating State who--

- (A) has been convicted of a sexually violent offense; or
- (B) has been deemed by the participating State to be at high risk for recommitting any covered offense against a minor.

- (2) REVIEW- Upon receiving notice under paragraph (1), the State official shall consider whether or not to pursue a civil commitment proceeding, or any equivalent proceeding required under State law.
- (c) Monitoring of Released Persons- Each participating State shall intensively monitor, for not less than 1 year, any person who--
- (1) has been deemed by the participating State to be at high risk for recommitting any covered offense against a minor;
 - (2) has been unconditionally released from incarceration by the participating State; and
 - (3) has not been civilly committed pursuant to a civil commitment proceeding, or any equivalent proceeding under State law.
- (d) Authorization of Appropriations- There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this section.

TITLE III--JETSETA GAGE PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN ACT OF 2005

SEC. 301. SHORT TITLE.

This title may be cited as the 'Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005'.

SEC. 302. ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN.

Section 3559(d) of title 18, United States Code, is amended to read as follows:

`(d) Mandatory Minimum Terms of Imprisonment for Violent Crimes Against Children- A person who is convicted of a Federal crime of violence against the person of an individual who has not attained the age of 12 years and has the intent to commit a serious sex crime as defined in section 2241 of title 18 shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offense--

- `(1) if the crime of violence results in the death of a person who has not attained the age of 12 years, be imprisoned for not less than 30 years to life;
- `(2) if the crime of violence is a kidnapping or maiming (or an attempt or conspiracy to commit kidnapping or maiming) or results in serious bodily injury (as defined in section 1365), be imprisoned for not less than 20 years to life; and
- `(3) if a dangerous weapon was used during and in relation to the crime of violence, be imprisoned for not less than 10 years to life.'

SEC. 303. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.

(a) Sexual Abuse-

(1) AGGRAVATED SEXUAL ABUSE OF CHILDREN- Section 2241(c) of title 18, United States Code, is amended by--

(A) designating the second sentence as paragraph (4); and

(B) striking the first sentence and inserting the following:

`(1) Whoever crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who has not attained the age of 12 years, or attempts to do so, shall be fined under this title and imprisoned for not less than 10 years to life, or both.

`(2) Whoever crosses a State line with intent to engage in a sexual act under the circumstances described in subsections (a) or (b) with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act under the circumstances described in subsections (a) or (b) with another person who has not attained the age of 12 years, or attempts to do so, shall be fined under this title and imprisoned not less than 30 years to life, or both.

`(3) Whoever crosses a State line with intent to engage in a sexual act under the circumstances described in subsections (a) or (b) with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act under the circumstances described in subsections (a) or (b) with another person who has attained the age of 12 but has not attained the age of 16 years (and is at least 4 years younger than the person so engaging), or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.'

(2) SEXUAL ABUSE OF CHILDREN RESULTING IN DEATH-

Section 2245 of title 18, United States Code, is amended--

(A) by striking 'A person' and inserting '(a) In General- A person'; and

(B) by adding at the end the following:

`(b) Offenses Involving Young Children- A person who, in the course of an offense under this chapter, engages in conduct that includes a sex act with a person who has not attained the age of 12 years and that results in the death of that person, shall be punished by death or imprisoned for not less than 30 years to life.'

(b) Sexual Exploitation and Other Abuse of Children-

(1) SEXUAL EXPLOITATION OF CHILDREN- Section 2251(e) of title 18, United States Code, is amended by striking 'any term of years or for life' and inserting 'not less than 30 years to life.'

(2) USING MISLEADING DOMAIN NAMES TO DIRECT CHILDREN TO HARMFUL MATERIAL ON THE INTERNET- Section 2252B(b) of title 18, United States Code, is amended by striking 'or imprisoned not more than 4 years' and inserting 'or imprisoned not more than 10 years.'

TITLE IV--JESSICA LUNSFORD AND SARAH LUNDE ACT

SEC. 401. SHORT TITLE.

This title may be cited as the `Jessica Lunsford and Sarah Lunde Act'.

SEC. 402. PILOT PROGRAM FOR MONITORING SEXUAL OFFENDERS.

(a) Definition- In this section, the term `sexual offender' means an offender 18 years of age or older who commits a sexual offense against a minor.

(b) Sexual Predator Monitoring Program-

(1) GRANTS AUTHORIZED-

(A) IN GENERAL- The Attorney General is authorized to award grants (referred to as `Jessica Lunsford and Sarah Lunde Grants') to State and local governments to assist such States and local governments in--

(i) carrying out programs to outfit sexual offenders with electronic monitoring units; and

(ii) the employment of law enforcement officials necessary to carry out such programs.

(B) DURATION- The Attorney General shall award grants under this section for a period not to exceed 3 years.

(2) APPLICATION-

(A) IN GENERAL- Each State or local government desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(B) CONTENTS- Each application submitted pursuant to subparagraph (A) shall--

(i) describe the activities for which assistance under this section is sought; and

(ii) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(c) Innovation- In making grants under this section, the Attorney General shall ensure that different approaches to monitoring are funded to allow an assessment of effectiveness.

(d) Authorization of Appropriations-

(1) IN GENERAL- There are authorized to be appropriated \$10,000,000 for each of the fiscal years 2006 through 2008 to carry out this section.

(2) REPORT- Not later than April 1, 2008, the Attorney General shall report to Congress--

(A) assessing the effectiveness and value of this section;

(B) comparing the cost effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives; and

(C) making recommendations for continuing funding and the appropriate levels for such funding.

TITLE V--MISCELLANEOUS PROVISIONS

SEC. 501. ACCESS TO INTERSTATE IDENTIFICATION INDEX.

(a) In General- Notwithstanding any other provision of law, the Attorney General shall ensure access to the Interstate Identification Index (established under the National Crime Prevention and Privacy Compact (42 U.S.C. 14616)) by---

- (1) the National Center for Missing and Exploited Children, to be used only within the scope of the Center's duties and responsibilities under Federal law to assist or support law enforcement agencies in administration of criminal justice functions; and
- (2) governmental social service agencies with child protection responsibilities, to be used by such agencies only in investigating or responding to reports of child abuse, neglect, or exploitation.

(b) Conditions of Access- The access provided under this section, and associated rules of dissemination, shall be--

- (1) defined by the Attorney General; and
- (2) limited to personnel of the Center or such agencies that have met all requirements set by the Attorney General, including training, certification, and background screening.

(c) Limitation on Liability-

(1) IN GENERAL- Except as provided in paragraphs (2) and (3), the National Center for Missing and Exploited Children, including any of its directors, officers, employees, or agents, is not liable in any civil action sounding in tort for damages related to its access to the Interstate Identification Index.

(2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT-

Paragraph (1) does not apply in an action in which a party proves that the National Center for Missing and Exploited Children, or its officer, employee, or agent as the case may be, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard of a substantial risk of causing injury without legal justification, or for a purpose unrelated to its performance of activities or responsibilities under Federal law.

(3) ORDINARY BUSINESS ACTIVITIES- Paragraph (1) does not apply to an act or omission related to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.

SEC. 502. LIMITATION ON LIABILITY FOR NCMEC.

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended by adding at the end the following:

`(g) Limitation on Liability-

`(1) IN GENERAL- Except as provided in subparagraphs (2) and (3), the National Center for Missing and Exploited Children, including any of its

directors, officers, employees, or agents, shall not be liable in any civil or criminal action for the performance of its CyberTipline responsibilities and functions as defined by section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) and section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773), or for its efforts to identify child victims.

`(2) EXCEPTION FOR INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT- The limitation on liability under subparagraph (1) shall not apply in any action in which a plaintiff or prosecutor proves that the National Center for Missing and Exploited Children or its officers, employees, or agents described in subparagraph (1), as the case may be, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard to a substantial risk of causing injury without legal justification, or for a purpose unrelated to the performance of responsibilities or functions under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) and section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773), or for its efforts to identify child victims.

`(3) EXCEPTION FOR ORDINARY BUSINESS ACTIVITIES- The limitation on liability under paragraph (1) shall not apply to any alleged act or omission related to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.'.

SEC. 503. MISSING CHILD REPORTING REQUIREMENTS.

(a) In General- Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended--

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

`(2) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person;'; and

(3) in paragraph (3), as redesignated, by striking `immediately' and inserting `within 2 hours of receipt'.

(b) Definitions- Section 403(1) of the Comprehensive Crime Control Act of 1984 (42 U.S.C. 5772) is amended by striking `if' through subparagraph (B) and inserting a semicolon.

SEC. 504. TREATMENT AND MANAGEMENT OF SEX OFFENDERS IN THE BUREAU OF PRISONS.

Section 3621 of title 18, United States Code, is amended by adding at the end the following new subsection:

`(f) Sex Offender Management-

`(1) IN GENERAL- The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and suitable for treatment, as follows:

`(A) SEX OFFENDER MANAGEMENT PROGRAMS- The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during prerelease custody.

`(B) RESIDENTIAL SEX OFFENDER TREATMENT PROGRAMS- The Bureau of Prisons shall establish residential sex offender treatment programs to provide treatment to sex offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

`(2) REGIONS- At least 1 sex offender management program under paragraph (1)(A), and at least 1 residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

`(3) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.'

SEC. 505. AUTHORIZATION FOR AMERICAN PROSECUTORS RESEARCH INSTITUTE.

In addition to any other amounts authorized by law, there are authorized to be appropriated for grants to the American Prosecutors Research Institute under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) \$7,500,000 for each of fiscal years 2006 through 2010.

SEC. 506. SEX OFFENDER APPREHENSION GRANTS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

`PART II--SEX OFFENDER APPREHENSION GRANTS

`SEC. 2992. AUTHORITY TO MAKE SEX OFFENDER APPREHENSION GRANTS.

`(a) In General- From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, Indian tribes, other public and private entities, and multi-jurisdictional or regional consortia thereof for activities specified in subsection (b).

`(b) Covered Activities- An activity referred to in subsection (a) is any program, project, or other activity to assist a State in enforcing sex offender registration requirements.'

SEC. 507. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY EDUCATIONAL AGENCIES FOR CERTAIN PURPOSES.

(a) In General- The Attorney General shall, upon request of the chief executive of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), pursuant to a request submitted by a local educational agency or a State educational agency in that State, on individuals under consideration for employment by the agency in a position in which the individual would work with or around children. Where possible, the check shall include a fingerprint-based check of State criminal history databases. The Attorney General and the States may charge any applicable fees for these checks.

(b) Protection of Information- An individual having information derived as a result of a check under subsection (a) may release that information only to an appropriate officer of a local educational agency or State educational agency, or to another person authorized by law to receive that information.

(c) Criminal Penalties- An individual who knowingly exceeds the authority of subsection (a), or knowingly releases information in violation of subsection (b), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(d) Definition- In this section, the terms 'local educational agency' and 'State educational agency' have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

SEC. 508. GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.

(a) In General- The Bureau of Justice Assistance is authorized to make grants under this section to--

(1) each law enforcement agency that serves a jurisdiction with 50,000 or more residents; and

(2) each law enforcement agency that serves a jurisdiction with fewer than 50,000 residents, upon a showing of need.

(b) Use of Grant Amounts- Grants under this section may be used by the law enforcement agency to--

(1) hire additional law enforcement personnel, or train existing staff, to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released sex offenders;

(2) investigate the use of the Internet to facilitate the sexual abuse of children; and

(3) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, State, and Federal databases needed to apprehend sex offenders, and facilitate the creation and enforcement of sex offender registries.

(c) Authorization of Appropriations- There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this section.

SEC. 509. SEVERABILITY.

If any provisions of this Act, any amendment made by this Act, or the application of such provisions or amendment to any person or circumstance is held to be unconstitutional, the remainder of the provisions of this Act, the amendments made by this Act, and the application of such provisions or amendments to any person or circumstance shall not be affected.

SEC. 510. FAILURE TO PROVIDE INFORMATION A DEPORTABLE OFFENSE.

Section 237(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)) is amended--

(1) by redesignating clause (v) as clause (vi); and

(2) by inserting after clause (iv) the following new clause:

 “(v) FAILURE TO PROVIDE REGISTRATION INFORMATION AS A SEX OFFENDER- Any alien who is convicted under subsection (d) of section 103 of the Sex Offender Registration and Notification Act of a violation of subsection (a) or (b) of such section is deportable.”.

SEC. 511. REPEAL.

Sections 170101 and 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071, 14072) are repealed.

SEC. 512. CONFORMING AMENDMENTS TO TITLE 18, UNITED STATES CODE.

Title 18 of the United States Code is amended--

(1) in sections 3563(a)(8) and 3583(d) by striking “and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994)” and inserting “and that the person comply with the Sex Offender Registration and Notification Act”;

(2) in section 4042(c)(3) by striking `shall be subject' and all that follows through `1994)' and inserting `must comply with the Sex Offender Registration and Notification Act'; and

(3) in section 4209(a) by striking `register in any State' and all that follows through `1994)' and inserting `comply with the Sex Offender Registration and Notification Act.'.

TITLE VI--COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES

SEC. 601. COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES.

- (a) Definition- In this section, the term `sexual offender' means an offender 18 years of age or older who commits a sexual offense against a minor.
- (b) In General- The National Institute of Justice shall conduct a comprehensive study to examine the control, prosecution, treatment, and monitoring of sex offenders, with a particular focus on--
- (1) the effectiveness of State, tribal, and local responses to the requirements of this Act, including the effectiveness of particular jurisdictions as compared to others;
 - (2) compliance by sex offenders with the registration requirements of this Act;
 - (3) how this Act has affected the number of reported sex crimes against children;
 - (4) how this Act has affected the number of prosecutions and convictions of sex crimes against children;
 - (5) the utility of the National Sex Offender Public Registry to the public;
 - (6) the costs to States, tribes, and local entities of compliance with this Act and the relative costs and benefits of approaches undertaken by different jurisdictions;
 - (7) the effectiveness of treatment programs in reducing recidivism among sex offenders;
 - (8) the potential benefits to Federal, State, and local law enforcement agencies of access to taxpayer information pertaining to sexual offenders and the privacy implications to those individuals and others; and
 - (9) the potential benefits to Federal, State, and local law enforcement agencies of access to Social Security information pertaining to sexual offenders and the privacy implications to those individuals and others.
- (c) Recommendations- The study described in subsection (b) shall include recommendations for reducing the number of sex crimes against children and increasing the rates of compliance with registration requirements.
- (d) Reports-
- (1) IN GENERAL- Not later than 5 years after the date of enactment of this Act, the National Institute of Justice shall report the results of the study conducted under subsection (b) together with findings to Congress, through the Internet to the public, to each of the 50 governors, to the

Mayor of the District of Columbia, to territory heads, and to the top official of the various Indian Tribes.

(2) INTERIM REPORTS- The National Institute of Justice shall submit yearly interim reports.

(e) Appropriations- There are authorized to be appropriated \$3,000,000 to carry out this section.

Passed the Senate May 4, 2006.

Attest:

Secretary.

109th CONGRESS

2d Session

S. 1086

AN ACT

To improve the national program to register and monitor individuals who commit crimes against children or sex offenses.